

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JULIO SANDOVAL,

Plaintiff,

v.

DIAZ, *et al.*,

Defendants.

Case No. 1:20-cv-01314-NONE-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR STAY OF PROCEEDINGS

(ECF No. 28)

ORDER EXTENDING DEADLINE FOR
PLAINTIFF TO FILE OBJECTIONS TO
FINDINGS AND RECOMMENDATIONS

THIRTY (30) DAY DEADLINE

Plaintiff Julio Sandoval ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 19, 2021, the Court issued findings and recommendations regarding dismissal of this action for failure to state a claim. (ECF No. 26.) Amended findings and recommendations were issued on March 22, 2021. (ECF No. 27.) In the amended findings and recommendations, Plaintiff was directed to file any objections to the findings and recommendations within fourteen days. (*Id.* at 13.)

Currently before the Court is Plaintiff's request for a stay of proceedings, filed April 7, 2021. (ECF No. 28.) Plaintiff requests sixty days to file his objections to the findings and recommendations, as he just received the findings and recommendations on April 2, 2021, and his access to the law library is very limited. Plaintiff requests sixty days to properly respond, because

1 he needs to obtain forms and cases and have enough time to review and research material.
2 Plaintiff states he is also dealing with a recent medical issue, and his legal mail is being delivered
3 about ten days later. (*Id.*)

4 The district court “has broad discretion to stay proceedings as an incident to its power to
5 control its own docket.” Clinton v. Jones, 520 U.S. 681, 706 (1997) (citing Landis v. North
6 American Co., 299 U.S. 248, 254 (1936)). “Generally, stays should not be indefinite in nature.”
7 Dependable Highway Exp., Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1066–67 (9th Cir. 2007).
8 If a stay is especially long or its term is indefinite, a greater showing is required to justify it.
9 Yong v. I.N.S., 208 F.3d 1116, 1119 (9th Cir. 2000). The party seeking the stay bears the burden
10 of establishing the need to stay the action. Clinton, 520 U.S. at 708.

11 Here, Plaintiff has not carried his burden of establishing the need to stay this action.
12 However, the Court finds it appropriate to grant an extension of time for Plaintiff to prepare and
13 file his objections to the findings and recommendations. The Court finds that in this instance, an
14 extension of thirty (30) days is appropriate.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff’s motion for stay of proceedings, (ECF No. 28), is DENIED; and
17 2. Plaintiff shall file his objections to the March 22, 2021 amended findings and
18 recommendations within **thirty (30) days** from the date of service of this order.

19 IT IS SO ORDERED.
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21 Dated: April 8, 2021

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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